

Appl. No. 09/963,820
Art. Docket No. CM2436
Amdt. dated October 7, 2003
Reply to Final Rejection of May 7, 2003

REMARKS

Claims 15-20 are now in the case.

Applicants have amended claim 15 to include the feature of a bathtub containing a liquid comprising water.

Each of these amendments is supported by the specification, claims and drawings as filed.

Rejection under 35 U.S.C. § 102

Claims 15, 18 and 19 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Kanetsuma '338.

Applicants traverse the rejection in view of the following remarks.

The office action asserts that the "relative floatation levels is given little patentable weight, especially since there has been no indication as to what fluid is contemplated. Seemingly a recitation of the liquid's density would provide so indicia of what constitute "above" and "below" the surface."

Applicants respectfully disagree.

At the outset, Applicants submit that independent claim 15 includes the features of a floating device comprising a jet-nozzle which is in fluid communication with the pumping means such that the discharge of a liquid through the jet-nozzle causes the floating device to move on the surface of the liquid contained in the bathtub and wherein the liquid inlet and the jet-nozzle are below the surface level of the liquid contained in the bathtub, and at least a spray nozzle for discharging the cleaning solution, wherein the spray nozzle is in fluid communication with the pumping means and wherein the spray nozzle is above the surface level of the liquid contained in said bathtub.

Applicants would like to bring the Examiner's attention to page 10, lines 30-31 which states that "[b]y "floating" it is meant herein, that the devices (1) herein remain at least partially above the surface level of the liquid present in the vessel to be cleaned."

As best understood by Applicants, Kanetsuma '338 discloses a device having a nozzle section (4) and an injection tip (3). It appears that the "nozzle section (4)" correspond to an upper portion where the "injection tip (3)" is formed (See page 1 of the translation, paragraph [0005]).

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As a result, it is applicant's position that Kanetsuma '338 does not teach or suggest a floating device including a jet-nozzle located below the surface level of the liquid contained in the bathtub and spray nozzle for discharging the cleaning solution, located above the surface level of the liquid contained in the bathtub.

Since Kanetsuma does not teach all the elements of the claim, it is Applicants' position that Kanetsuma '338 does not constitute prior art under 35 U.S.C. 102(e).

Reconsideration and withdrawal of the rejection are therefore respectfully requested.

Rejection under 35 U.S.C. § 103

Claims 16, 17 and 20 have been rejected under 35 U.S.C. § 103(a) as being obvious over Kanetsuma '338 in view of Henkin '084.

Applicants have established that Kanetsuma '338 does not teach or suggest a floating device including a jet-nozzle located below the surface level of the liquid contained in the bathtub and spray nozzle for discharging the cleaning solution, located above the surface level of the liquid contained in the bathtub.

In addition, Applicants respectfully submit that Henkin '084 does not teach or suggest the claimed features.

Applicants note that "[t]o establish a prima facie case of obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

Reconsideration and withdrawal of the rejection are therefore respectfully requested.

Respectfully submitted,
 Bredo et al.

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